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Brussels, 29 January 2018

Dear Mrs Raffaelli

**SCC meeting 11 December 2017: response to CPR 13-12rev1 on additional characteristics**

Following the revised version of the original document CPR 12-03, which was distributed during the above meeting and about which you have invited comments by the end of January 2018, we - the parties indicated at the end of this letter - would like to raise the following concerns.

1. In spite of extensive comments, raised in an original letter of 12/07/2017, it appears that the “general principles” of document CPR 12-03 have been maintained. We are very surprised that the Commission has concluded that these general principles have been agreed by the Standing Committee members and observers as our above letter was surely evidence that CPR 12-03 - and with it the general principles therein - were not accepted. Indeed, they were questioned by several Member States and other stakeholders. For example, France published a position on 12 June 2017 that raised the very same shortcomings. Therefore, we ask the Commission again to withdraw document CPR 12-03 and its revision, CPR 13/12rev1.
2. Whilst we strongly encourage any co-operation between the Commission and CEN, for example dialogue aimed at finding a solution to the backlog of standards not yet cited in the Official Journal, we would like to be kept informed about any bi-lateral discussions between the Commission and CEN about additional characteristics. We request that any proposals resulting from such discussions are subsequently put to the SCC for consultation. From the document CPR 13/12rev1, it appears that CEN and the Commission services have shared such a dialogue on the treatment of additional characteristics, without the involvement of the other SCC members or observers. As was obvious from the reaction to CPR 12-03, additional characteristics are of utmost importance and the solutions that we and others have sought via the SCC have not been forthcoming, nor are they apparent in CPR 13/12rev1. Therefore, we consider the matter far from closed.
3. In the light of the huge and increasing number of standards awaiting publication, the pilot examples selected by the Commission from the CEN proposals are insufficient.
4. The statement that opens paragraph 4 is unclear: *“This trend will be continued by further actions the Commission services have committed themselves to.”* We invite the Commission to explain in full which actions it is referring to.
5. The term *“CPR-based approach”* is also unclear. Should we understand this to mean an approach influenced by the Commission’s own interpretation of the CPR or as the CPR with all its rights and obligations set out in the regulation? We would be grateful for clarification of the meaning of this term.

6. As CEN/CENELEC can request modifications to mandates issued by the Commission, the use of the word “to transgress” is too strict. CEN needs to be allowed to work on what seems necessary to improve standards as long as, in the process, it proposes the relevant amendments to the Commission.
7. We consider it excessive to transform all additional characteristics into essential characteristics under the CPR. We have never asked for this and the proposal does not address the problems that we and others have reported formally to the Commission many times, including in position papers. Essential characteristics reflect the Member States’ regulations on building works. These have to be taken into account in the Commission’s mandates. Of course, all the essential characteristics must be included in the Annex ZA, but the inclusion of other, additional characteristics in the main body of the standard should be permitted when this is required by the market or customers. Furthermore, some additional characteristics, as yet unknown, could prove relevant later on (as a result of scientific progress and the subsequent knowledge acquired, for instance). It is not realistic to anticipate such developments when the mandate is written. We should remain flexible, in order to adapt standards to include relevant innovations.
8. Overall, it appears from this document CPR 13-12rev1, that the Commission has ignored entirely the reactions to its previous document CPR 12-03. It has shown no recognition of the concerns raised nor any flexibility, even though Commission officials spoke many times during the last SCC meeting of “pragmatic solutions” to the persistent challenges posed by the existing CPR.

We would like to once again assure the European Commission of our commitment to work with DG GROW to find solutions and we do acknowledge some improvement in the new version CPR 13-12rev1 compared with CPR 12-03. However, we *once again* entirely reject this paper CPR 13-12rev1 and its predecessor CPR 12-03 and we invite a full and open discussion about this subject again at the next Standing Committee meeting, which we all hope and expect will be held in Spring 2018 and no later than end May 2018.

We remain at your disposal should you require any further information.

Yours sincerely

Standing Committee Delegates, representing the organisations listed below

Federal Ministry for Digital, Business and Enterprise	Austria	
Federal Public Service for Economy, SMEs, Self-employed and Energy	Belgium	
Ministry of Regional Development and Public Works	Bulgaria	
Ministry of Industry and Trade	Czech Republic	
Ministry for Territorial Cohesion	France	
Ministry for the Environment, Nature Conservation, Building and Nuclear Safety	Germany	 Bundesministerium für Umwelt, Naturschutz, Bau und Reaktorsicherheit
Prime Minister's Office, Deputy State Secretariat For Architecture, Department of Construction Law and Building Authority	Hungary	 MINISZTERELNÖKSÉG
Construction Products Europe	European Association	
European Builders Confederation	European Association	
European Construction Industry Federation (FIEC)	European Federation	
European Organisation for Technical Assessment (EOTA)	European Organisation	